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July 23, 2010

Mayor and City Commission
City of Lawrence
PO Box 708
Lawrence, Kansas 66044

Re: Steve Glass/PDO Investors Letter of July 20, 2010

Honorable Mayor and Members of the City Commission:

I represent the Lawrence Community Shelter.

The purpose of this communication is to respond to the above-mentioned letter and to help provide reason and balance to your deliberations relating to the Management Plan of the Lawrence Community Shelter.

Please note that Mr. Glass's letter does not address the issues that are on the City Commission Agenda, does not address any salient features of the Management Plan, and does not address the Staff Report on the Plan. However, in his last paragraph, he attempts to re-open debate on issues previously decided by the Commission.

Once again, PDO is attempting to pressure the City Commission into entering the very dangerous territory of enforcing private agreements between parties. The City Commission and the City Staff have no role in enforcing or interpreting private subdivision covenants. Mr. Glass's letter seems to question the community's decision to permit shelters in industrial zoning districts.

As you will recall, the placement of homeless shelters in industrial zoning districts was approved by this Governing Body after considerable staff study and public debate. There has been no public outcry for a review of that decision.

The Management Plan should stand on its own and must not be used as a tool to re-open debate on the land use issue already resolved.

We respectfully request that you approve the Management Plan for the Lawrence Community Shelter.

Sincerely

Price T. Banks

PDO INVESTORS, LLC
P.O. BOX 4150
LAWRENCE, KANSAS 66046

RECEIVED

JUL 22 2010

CITY MANAGERS OFFICE
LAWRENCE, KS

July 20, 2010

Mayor Mike Amyx
and City Commissioners
City of Lawrence
P.O. Box 708
Lawrence, Kansas 66044

Dear Mayor Amyx and Commissioners:

I have recently noted that the City Commission plans to review the revised Lawrence Community Shelter Management Plan at the July 27, 2010 Commission Meeting. Approval of a revised Management Plan was one of the seven conditions imposed by the City Commission during the Special Use Permit hearing on April 27, 2010.

Since initially being notified of the proposed relocation of the Shelter to the building at 3701 Franklin Park Circle, the Members of PDO Investors, LLC have expressed our concerns about what we believe to be an ill-advised effort to relocate the Shelter to property planned and zoned for industrial and business uses. Representatives of our firm have attended the Planning Commission and City Commission meetings, the public meetings conducted by LCS, and meetings with neighboring business and industrial owners arranged by LCS. In addition we have reviewed the preliminary plans for the site that have been provided by LCS.

We, along with other members of the public, have suggested changes and additions to the Management Plan that would improve the Plan regardless of where the Shelter is located. Despite these suggestions and our extensive review and study of the Shelter plans, we continue to have very serious concerns about the appropriateness of the Shelter being located in the Franklin Business Park. Our engagement in the process established by the City Commission should not be interpreted as an endorsement in any way of the ultimate goal of LCS to locate the Shelter in the industrial park.

City staff and Commissioners have been aware for some time that protective Covenants for Franklin Business Park were adopted in 1996 and apply to all of the properties within the Park. Owners of properties in the park, including Tim Keller who is one of the owners of 3701 Franklin Park Circle, are well aware of the Covenants. The owners understand that the Covenants impose requirements and limitations on the properties within the Park, and that the owners have contractually agreed to delegate to the Trustees certain rights and responsibilities to determine uses allowed within the Park. These duties require the Trustees to act in a manner consistent with the reasonable

expectations of the other property owners in the park. Toward that end, we note that the other owners have expressed to us that they do not believe a dense residential use was ever contemplated as being allowed in the park.

The Covenants run with the land and apply to future owners. In that regard it is important to note that a seller may sell a property to anyone without regard to the proposed use, but the buyer of the land will not be able to use the property for a prohibited use. Thus, it is the buyer who bears the burden of owning a property that can't be used for a new proposed use that is not allowed in the Park.

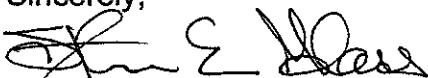
Because we support the positive efforts of LCS to end homelessness, I have suggested to you that there are other sites available that may provide better solutions for the Shelter. The best choice in my opinion is the former administration building at the Farmland site. With the recent acquisition of the Farmland property by the City, the City is in the position to provide the building for use as the Shelter at no cost to LCS. This would allow the Shelter to be operational in a new location much sooner, as the administration building would need substantially less remodeling than the factory in Franklin Park. More importantly, LCS would not have to try and raise several million dollars in these difficult economic times.

The location of the administration building is well removed from single family residential uses; it is buffered on all sides; it is on an existing bus route; and there are, to my knowledge, no covenants on the land that would preclude the use of the building as the Shelter.

As I have previously informed you, the Franklin Business Park Trustees plan to review the proposed use of 3701 Franklin Park Circle as a shelter site following final approval of the Management Plan by the City Commission. I feel it is only fair to let you know that serious questions have been raised as to whether the proposed Shelter use would comply with the Covenants. The proposed use certainly doesn't comply with the restrictions that were imposed by the City during the original zoning process; indeed, dense residential uses were specifically prohibited by the City.

I encourage the Commission to weigh these factors as you consider the Management Plan. While you may think you are doing LCS a favor by approving the revised Management Plan, you will thereby be encouraging LCS to purchase the property at 3701 Franklin Park Circle. Thus, a vote to approve may well be a disservice to all concerned.

Sincerely,



Stephen E. Glass
Managing Member

cc: Dave Corliss